1	EDMUND G. Brown Jr.
2	Attorney General of California MARC D. GREENBAUM
3	Supervising Deputy Attorney General MICHAEL A. CACCIOTTI
4	Deputy Attorney General State Bar No. 129533
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013
6	Telephone: (213) 897-2932 Facsimile: (213) 897-2804
7	Attorneys for Complainant  BEFORE THE
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2011- 14
11	MARTHA FLORES
12	64063 Baylor Mountain Court Desert Hot Springs, California 92240 A C C U S A T I O N
13	Registered Nurse License No. RN 493131
14	Respondent.
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16	Complainant alleges:
17	PARTIES 1
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 21	of Consumer Affairs.  2. On or about August 31, 1993, the Board of Registered Nursing issued Registered
22	2. On or about August 31, 1993, the Board of Registered Nursing issued Registered  Nurse License Number RN 493131 to Martha Flores (Respondent). The Registered Nurse
23	License was in full force and effect at all times relevant to the charges brought herein and will
24	expire on March 31, 2011, unless renewed.
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#### JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

#### STATUTORY PROVISIONS

4. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

- 5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
  - 6. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, . . .

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

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- 7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b), the Board may renew an expired license at any time within eight years after the expiration.
  - 8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

### **COST RECOVERY**

9. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### CAUSE FOR DISCIPLINE

# (Convictions of Substantially Related Crimes)

- 4. Respondent is subject to disciplinary action under section 490 and section 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that Respondent was convicted of crimes which are substantially related to the qualifications, functions, and duties of a registered nurse.
- a. On or about December 2, 2008, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 529 [false personation] in the criminal proceeding entitled *The People of the State of California v. Martha Flores* (Super Ct. Los Angeles County, 2008, No. KA084234). The circumstances surrounding the conviction are as follows:

On or between July 1, 2008 and July 31, 2008, Respondent unlawfully and falsely impersonated Stephanie Bergstrom in a private and official capacity and in such assumed

character verified, published, acknowledged and proved in the name of another, a written instrument, with intent that the same be recorded, delivered and used as true.

b. On or about December 2, 2008, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 496(a) [receiving stolen property] in the criminal proceeding entitled *The People of the State of California v. Martha Flores* (Super Ct. Los Angeles County, 2008, No. KA084234). The circumstances surrounding the conviction are as follows:

On or between July 1, 2009 and July 31, 2008, Respondent did unlawfully buy, receive, conceal, sell, withhold, and aid in concealing, selling, and withholding property, to wit, \$13,000.00, which had been stolen and obtained by extortion, knowing that said property had been stolen and obtained by extortion.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number RN 493131, issued to Martha Flores Martha Flores.
- 2. Ordering Martha Flores to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer

Board of Registered Nursing
Department of Consumer Affairs

State of California

Complainant

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